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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/733,516	12/07/2000	L. Michael Maritzen	080398.P412	2422
7590	01/07/2005		EXAMINER	
Thomas S. Ferrill BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Seventh Floor 12400 Wilshire Boulevard Los Angeles, CA 90025-1026			SHIFERAW, ELENI A	
			ART UNIT	PAPER NUMBER
			2136	
DATE MAILED: 01/07/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/733,516	MARITZEN ET AL.
	Examiner Eleni A Shiferaw	Art Unit 2136

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 December 2000.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-46 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-46 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/4/04, 6/4/04, 3/1.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**Final rejection**

**Response to the applicant's amendments**

1. The examiner reconsidered the IDSs.
2. The examiner accepted the amended abstract.
3. Claims 1-46 are presented for examination.
4. Applicant's arguments with respect to claim 1-19 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-46 are rejected under 35 U.S.C. 102(e) as being anticipated by Emmoft et al. (Emmoft, Patent No.: US 6,424,845 B1).

As per claim 1, Emmoft teaches system comprising

a multifunctional portable base station (Fig. 1 No. 10 & 36) that interacts with a point of sale terminal to conduct a financial transaction (Fig. 1 No. 38, col. 3 lines 57-65); and

a limited function access device (Fig. 1 No. 23) that interacts with the multifunctional portable base station (Fig. 1 No. 10), wherein the multifunctional portable base station directly exchanges information with the limited function access device as part of the financial transaction (Col. 3 lines 57-65, and col. 2 lines 50-60, and Fig. 2).

As per claims 11, 20, 29 Emmoft teaches a method/apparatus comprising:

directly exchanging information for a financial transaction between a multifunctional portable base station and a limited access device (Col. 3 lines 56-65), wherein the multifunctional portable base station interacts with a point of sale terminal to conduct the financial transaction (Fig. 2 No. 10 & 36, and 38).

As per claim 38, Emmoft teaches a system comprising:

a processor coupled to a memory through a bus (Fig. 3 No. 20); and a process executed by the processor from the memory to cause the processor to directly exchange information for a financial transaction between a multifunctional portable base station and a limited access device, wherein the multifunctional portable base station interacts with a point of sale terminal to conduct the financial transaction (Fig. 2 No. 10, 36 & 38, and col. 3 lines 56-65).

As per claim 2, Emmoft teaches the system, wherein the multifunctional portable base station is selected from the group consisting of a digital wallet (Col. 3 lines 56-65), a personal digital assistant, a personal computer (Fig. 2 No. 36), a web-enabled kiosk, or a wireless communication device (Fig. 2 No. 10).

As per claim 3, Emmoft teaches the system, wherein a function of the multifunctional portable base station is selected from the group consisting of to communicate with the limited function access device (Fig. 1 No. 23), to communicate with a remote device (Fig. 3 NO. 37), or to act as a transactional terminal between the remote device and the limited function access device (Col. 3 lines 56-65).

As per claim 4, Emmoft teaches the system, wherein the remote device is selected from the group consisting of a point of sale device, a transaction privacy clearing house, a home computer system, or a digital television (Fig. 2 No. 38).

As per claim 5, Emmoft teaches the system, wherein the device further comprises a communication channel between the multifunctional portable base station and the limited function access device (Fig. 1 No. 15).

As per claim 6, Emmoft teaches the system, wherein the communication channel station comprises a wireless communication link to the limited function access device (Col. 2 lines 1-14).

As per claim 7, Emmoft teaches the system, wherein the limited function access device comprises a chip affixed to a group consisting of a user, a pen, a wrist watch, a belt, a card, or a purse (Fig. 1 No. 24).

As per claim 8, Emmoft teaches the system, wherein the limited function access device comprises an identifier possessing unique identifying information associated with a user, the unique identifying information associated with the user is not released outside the limited function access device (Col. 4 lines 35-55).

As per claim 9, Emmoft teaches the system, wherein the identifier comprises a biometric analysis device to validate an identity of a user (Fig. 1 No. 14, and col. 3 lines 13-19).

As per claim 10, Emmoft teaches the system, wherein the limited function access device is physically separate from the base station (Fig. 1 No. 23 and 10).

As per claims 12, 21, 30, and 39 Emmoft teaches the system/apparatus, further comprising: establishing wireless communications between the multifunctional portable base station (Fig. 1 No. 10) and the limited access device (Fig. 1 No. 23, and col. 3 lines 56-65).

As per claims 13, 23, 32, and 41 Emmoft teaches the system/apparatus, wherein the information comprises an operation is selected from the group consisting of, enabling the limited function access device to have wireless access to services on the multifunction portable base station, enabling the limited function access device to have wireless access to information on the multifunction portable base station, enabling the multifunction portable base station to have wireless access to information on the limited function access device, or enabling the multifunction portable base station to have wireless access to

services on the limited function access device (Fig. 1 No. 23 and 10, and col. 3 lines 56-65).

As per claims 14, 24, 33, and 42 Em Mofft teaches the system/apparatus, further comprising: authenticating the access rights of a user to a restricted locality (Fig. 1 No. 23 and 10, and col. 3 lines 56-65).

As per claims 15, 25, 34, and 43 Em Mofft teaches the system/apparatus, further comprising: establishing a secure link between the limited function access device and the multifunction portable base station to allow an exchange of confidential information of a user between the multifunction portable base station and the limited function access device (Col. 3 lines 56-65, and fig. 1 No. 10 & 23).

As per claims 16, 26, 35, and 44 Em Mofft teaches the system/apparatus, further comprising: associating unique identifying information with the multifunction portable base station to protect an identity of a user (Col. 5 lines 15-37).

As per claims 17, 27, 36, and 45 Em Mofft teaches the system/apparatus, further comprising: populating methods which are independent of location (Fig. 1 No. 10 & 23).

As per claims 18, 37, and 46 Em Mofft teaches the system/apparatus, wherein the exchanging the information between the multifunctional portable base station and the limited access device occurs automatically (Fig. 1 No. 10 & 23 and col. 3 lines 56-65).

As per claims 19, 22, 28, 31, and 40 Emmoft teaches the system/apparatus, wherein the establishing wireless communications between the multifunctional portable base station and the limited access device occurs automatically (Col. 5 lines 15-37).

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eleni A Shiferaw whose telephone number is 571-272-3867. The examiner can normally be reached on Mon-Fri 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Eleni Shiferaw  
Art Unit 2136  
December 30, 2004

*E. Shiferaw*  
EMMANUEL L. MOISE  
PRIMARY EXAMINER